



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

J&A 15-06

JUSTIFICATION AND APPROVAL (J&A)
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity. Department of the Navy, Naval Facilities Engineering Command Southwest (NAVFAC SW), San Diego, California

2. Description of the Action Being Approved. Approval is sought to modify the existing Commercial and Institutional (C&I) Building Construction Group 0053 contracts, collectively the Unrestricted Multiple Award Construction Contract (MACC), without competition to extend the ordering period. This action will not increase the maximum value of the contract or allow for the solicitation of new projects. As such, it does not constitute a "bridge contract action". Rather, it would extend the ordering period from March 18, 2015 until September 30, 2015 for the award of final projects currently solicited under the MACC.

The contracts are:

- | | |
|---------------------|---|
| a) N62473-10-D-5405 | Hensel Phelps Construction Co. |
| b) N62473-10-D-5406 | Harper Construction Co, Inc. |
| c) N62473-10-D-5407 | Balfour Beatty Construction, LLC |
| d) N62473-10-D-5408 | Sundt Construction, Inc. |
| e) N62473-10-D-5409 | RQ Construction, LLC |
| f) N62473-10-D-5410 | R. A. Burch Construction Co., Inc. |
| g) N62473-10-D-5411 | Solpac Construction dba Soltek Pacific Construction Co. |
| h) N62473-10-D-5412 | TB Penick & Sons, Inc. |
| i) N62473-10-D-5413 | Clark Construction Group – California LP |

3. Description of Supplies/Services. NAVFAC SW through the use of the C&I MACC provides design, construction, supervision, equipment, materials, labor and all means necessary to provide complete and usable facilities at various locations within Southern California, Arizona and New Mexico. The preponderance of the work is in San Diego County, California. Types of projects may include but not limited to: industrial buildings, commercial type buildings and institutional buildings, and are either design-build or design-bid-build. The intent of the extension is to allow sufficient time to award Project P-970 Ammunition Supply Point Upgrade in Las Pulgas (43 Area) at Marine Corps Base (MCB) Camp Pendleton CA; P-418 Tactical Grounds Mobility Training and Vehicle Maintenance Facility, NAS Fallon, CA; P-939 Engine Dynamometer Facility, MCLB, Barstow; Q-915 SOF Mobile Communications Detachment Support Facility (MCD), Imperial Beach, CA; P-328 F-35C Facility Addition and Modification, Naval Air Station Lemoore, CA; and P-327 F-35C Operational Training Facility, Naval Air Station Lemoore, CA. The total estimated value of the projects is approximately \$102.5M.

4. Statutory Authority Permitting Other Than Full and Open Competition. The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(2), as implemented by FAR 6.302-2. FAR 6.302-2 permits other than full and open competition when there is an unusual and compelling urgency.

5. Rationale Justifying Use of Cited Statutory Authority. Currently, the C&I MACC has six (6) contract actions in progress and in danger of not being awarded prior to C&I MACC expiration.

- a. This J&A seeks an extension to the ordering period of the C&I MACC until September 30, 2015 in order to allow time for the award of the projects identified below. Operations are currently impacted by not having these requirements in place and continued delay will only exacerbate the situation. Further delays (if re-solicitation is required) would impact mission by not being ready for various Commands to carry on their duties. Re-solicitation or stand-alone contract(s) would likely take up to one year and over 18 months for the design and construction schedule. Without the extension of the contract action, the customers' operations and mission readiness will be adversely impacted. Extending the C&I MACC ordering period

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from March 18, 2015 to September 30, 2015 would allow time to award all planned actions, avoiding delays in project execution and/or the necessity to restart the procurements. The planned actions in danger of not being awarded before the MACC expires are:

PTO # X036: FY14 P-970 - Ammunition Supply Point (ASP) Upgrade in Las Pulgas (43 Area) at MCB Camp Pendleton, CA. NAVFAC SW Central Integrated Products Team (IPT) utilized the C&I MACC to procure the FY14 P-970 Ammunition Supply Point Upgrade project in Las Pulgas (43 Area) at MCB Camp Pendleton, CA. Proposals submitted on August 7, 2014 [REDACTED]

[REDACTED] The MILCON Program Manager submitted a Reprogramming Notification Memo for the P-970 project to obtain additional funds through the MILCON Program Reprogramming process in September 2014. The project received approval in October 2014 in which a formal Reprogramming package was prepared and approved through the NAVFAC SW CI Core in December 2014 and NAVFAC LANT in January 2015 then forwarded to NAVFAC Headquarters in February 2015. The Reprogramming Memo is still pending approval at the NAVFAC Headquarters level before submitting for Congressional approvals. The MILCON Program Manager advised that the Reprogramming and funding request approval process is expected to take another 3 to 8 months, for a planned award date of August 31, 2015. The additional funding for project is not expected for approval until after the C&I MACC expires on March 17, 2015. Extension of the C&I MACC until September 30, 2015 will save a considerable amount of time and effort expended on this project. The project is already delayed because of reprogramming. The ASP will continue to operate under a Chief of Naval Operations (CNO) waiver for explosive safety standards with continued risk to life, assets, and facilities until this project is completed. These facilities are required for compliance with Ordnance Instructions to allow ASP to properly store and maintain material.

PTO # X038: FY13 P-418: Tactical Ground Mobility Training And Vehicle Maintenance Facility, NAS Fallon. P418 Special Operations Forces Vehicle Maintenance Facility is a critical FY15 Special Operations Command (SOCOM) project. The current facility only meets 40 percent of the mission requirements and is causing logistics, operations and training complications. Projected award is currently May 29, 2015. Construction must start during the third quarter of FY15 and complete the project by third quarter FY16. It is essential the design and construction stay on schedule in order to meet SOCOM's important mission requirement and Building Occupancy Date of May 2016. A slip in schedule (i.e. lost time to re-solicit) would adversely impact the ability for mission support.

PTO # X047: FY14 P-939: Engine Dynamometer Facility, MCLB Barstow. The RFP was issued on January 14, 2015. Proposals were due on February 17, 2015 but the due date was extended until March 3, 2015 because of the number of Requests for Information received that required additional time to research responses. The project is scheduled for award on April 30, 2015. Extension to the MACC will allow sufficient time for the completion of evaluation reports and eliminate the need to re-solicit. Delay on this project will impact mission readiness. P-939 is to construct a high-bay low rise engine dynamometer facility with reinforced concrete masonry unit walls, concrete slab on grade and standing seam metal roof. The new facility includes nine test room cells, test control space, administrative space and telecommunications room.

PTO X058 – Q915 SOF Mobile Communications Detachment Support Facility (MCD), Imperial Beach, CA. [REDACTED]

[REDACTED] Planned award date is July 30, 2015. The MCD supports the warfighter's communications equipment supply and training requirements. The MCD currently operates in substandard office & training facilities located in temporary, cramped and non-contiguous facilities at Naval Amphibious Base Coronado. The lack of a single operational location is critically impacting the ability of the MCD to quickly coordinate and support ongoing SEAL missions. Delaying the execution of this contract will further delay the ability of the MCD to support the NSWC mission being developed at the Coastal Campus as identified by the Commander of USSOCOM, Commander NSWC and the Commander CNIC.

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[REDACTED]

PTO X059 P328 F-35C Facility Addition and Modification, Naval Air Station Lemoore, CA. The issuance of the RFP was delayed because of numerous design changes to the project by the Program Manager. This project will house the new F-35C and is the first project of its kind at NAS Lemoore. The RFP was finally issued on February 24, 2015. Award of this project this fiscal year is important to minimize mission impacts to the F-35C platform. P328 must be complete and operational to support this mission. First Aircraft Arrival (FAA) for the F-35C is scheduled for January, 2018. To meet this IOC, P328 must be constructed NLT August, 2016. This will allow for the space certification, training, and installation of personal property by IOC. The base has no other hangar facilities available to accommodate F-35C aircraft. Construction schedule for the project has been validated to be 407 days; meaning construction contract award cannot occur passed mid-July, 2015.

PTO X060 P327 F-35C Operational Training Facility, Naval Air Station Lemoore, CA. The issuance of the RFP was delayed because of numerous design changes by the Program Manager. This project will train F-35C military personnel. A site visit was conducted on March 5, 2015. Award of this project during third quarter of fiscal year 2015 is important to meet the commands operation requirements before the arrival of the aircrafts. P327 must be complete and operational to support this mission. The base has no other facilities available to accommodate the installation and operation of F-35C full mission simulators (FMS). The FMS will be delivered to site on November, 2016. To meet IOC, construction must be completed NLT October, 2016. Completion of this project is required to minimize training mission impacts to the F-35C platform. Construction schedule for the project has been validated to be 480 days; meaning construction contract award cannot occur passed June, 2015. If award is delayed due to the need to resolicit on another vehicle, there may be significant impacts to the mission readiness of NAS Lemoore.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable. The MACC contract ensures sufficient competition with nine (9) MACC contractors, so this extension does not create a sole source environment. The follow-on MACC is being competitively procured by NAVFAC SW. The follow-on MACC, with an aggregate total of \$240M, is planned for award by the second quarter of FY-15. While other MACCs are available for requirements, resolicitation would result in unacceptable delays.

7. Determination of Fair and Reasonable Cost. The Contracting Officer will determine fair and reasonable proposed cost to the Government for services covered by this J&A on an individual Task Order basis using FAR Part 15 procedures. Initial task orders are competed amongst the current MACC holders thus achieving competitive pricing. However, it is not anticipated that this extension will result in additional cost.

8. Actions to Remove Barriers to Future Competition. As stated in item 6 above, the follow-on MACC is being competitively procured by NAVFAC SW. Additional extensions to this MACC are not expected.

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CERTIFICATIONS AND APPROVAL

TECHNICAL and REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.



JOHN COON
CI Business Lead
NAVFAC SW

(619) 532-2649
Phone No.

3-13-15
Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.



V. PAUL CLAY
Assistant Counsel
NAVFAC SW

(619) 532-3134
Phone No.

3-13-15
Date

CONTRACTING OFFICER


I certify that this Justification is accurate and complete to the best of my knowledge and belief.


DENIESE D KELLY
Contracting Officer
NAVFAC SW

(619) 532-3454
Phone No.

3/12/15
Date

APPROVING OFFICIAL (NFAS 6.304) Upon the basis of the above Justification, I hereby approve the contract modifications described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c) (2).


RENAE A. KVENDRU
Contracting Officer
NAVFAC SW

(619) 532-2339
Phone No.

3/13/15
Date